

**LEGAL
REQUIREMENTS**

Federal regulations require states to cooperate in interstate activities to secure support for children in IV-D cases. States must process and enforce orders and/or petitions referred by other states pursuant to the Uniform Interstate Family Support Act (UIFSA). All 54 states and jurisdictions have adopted this Act. Regulations also require states to redirect the support collected on behalf of families receiving public assistance funded under Title IV-A (FIP) to the state providing assistance.

Policy in this item is used when processing interstate cases.

**GENERAL TERMS
AND DEFINITIONS**

Continuing Exclusive Jurisdiction (CEJ) - The state issuing a support order has CEJ so long as the obligor, obligee or child remain in the state. Only the CEJ state may modify an order. It is possible for another state to assume CEJ under certain circumstances. See "Controlling Order" section, later in this section.

Controlling Order - The **one** order entitled to prospective enforcement or modification according to UIFSA provisions.

De Novo order - A new order entered in a case where another order for the same parents and child already exists.

Discovery- Facts, papers or other things in a person's knowledge or possession that are sought by a party to a legal proceeding.

Duration of Support - The time period parents owe child support for their children. In many states the duration of support is until age 18 or graduation from high school, whichever comes later. In other states, the duration of support is a set age (18, 21 or 22). In still other states, it can exist beyond the age of majority (e.g., the child is attending college or is disabled).

Ex Parte Order - A type of order entered after a hearing where one of the parties is not present.

Forum State - The state that is conducting the hearing or proceeding.

Hearsay - Evidence that does not come first-hand from the witness but from what the witness heard others say. Because it is second-hand knowledge, it is not seen as reliable. Hearsay evidence is usually not allowed into evidence.

Home State - The state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of petition for support. If a child is less than six months old, the state in which the child lived from birth with a parent or person acting as a parent.

Interstate Case - When the obligor resides in a state that is different from where the obligee and/or child resides; and, there are no direct establishment or enforcement alternatives available, an interstate case exists.

Interstate Central Registry - A single unit or office within the state IV-D agency which receives, disseminates, and has oversight responsibility for processing incoming interstate IV-D cases, including UIFSA petitions and requests for wage withholding in support cases.

Initiating State - The state that starts an action under UIFSA to forward to a responding state; a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state.

Issuing State - The state in which a tribunal issued a support order or entered a judgment finding parentage.

Jurisdiction - The authority of a court to hear and decide a case. To have jurisdiction, the court must have both *subject matter jurisdiction* and *personal jurisdiction*.

- *subject matter jurisdiction: power to hear the type of case in question which is granted by the state legislatures and Congress.*
- *personal jurisdiction: power to make a decision affecting the parties involved in the lawsuit which a court gets as a result of the parties actions.*

Long Arm - A provision within UIFSA whereby a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator in a proceeding to establish, enforce, or modify a support order or to determine parentage.

Obligee - The person owed, or alleged to be owed, a duty of support. A person for whom a support order or a judgment finding parentage was issued, or who is seeking the establishment of parentage of their child. It may be a state or political subdivision to which support rights have been assigned or which has its own claims based on assistance provided to the family.

Obligor - The person who owes or is claimed to owe a duty of support, or who is claimed to be a parent of a child.

Petitioner - One who asks for some type of action or relief from a tribunal.

Register - To file a support or parentage order or judgement with the tribunal.

Remedy - The name for a legal corrective action.

Respondent - The person responding to a legal action, i.e., the person against whom an action is brought.

Responding State - A state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state. This is the state in which the action takes place.

RURESA - The Revised Uniform Reciprocal Enforcement of Support Act. It is interstate law that preceded UIFSA.

Statute of Limitations - The period of time that an arrearage can be enforced.

Tribunal - A court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or determine parentage. The tribunal of Michigan is the Family Division of Circuit Court.

Interstate Central Registry

Federal regulations require each state IV-D agency have an Interstate Central Registry responsible for receiving, distributing and responding to inquiries on all incoming interstate IV-D cases. This requirement includes a mandatory computerized support enforcement system for electronic referrals. CSENET, a nationwide computer link, is currently being integrated into Michigan's statewide computer system.

The Interstate Central Registry receives incoming interstate referrals from IV-D agencies in other states. Within 10 working days of receipt of the referrals the Interstate Central Registry must:

- Review the referral and accompanying documentation for completeness,
- Forward the case to the State Parent Locator Service (PLS) for location services if locating is needed,
- Acknowledge receipt of the referral (page 3 of Transmittal #1 - Initial Request, FSA-200-1, exhibit Item 300X1)
- Request the Initiating State provide missing information or documentation, and
- Forward the referral, accompanying documentation, and a copy of the referral, Transmittal #1, to the appropriate local IV-D agent (FOC, PA, OCS) for action, and
- Identify to the Initiating State the name and address of the Michigan IV-D agent to which the referral has been forwarded for action.

Federal regulations further require that the state extend the full range of services available under the IV-D program to other state IV-D agencies. This includes locating non-custodial parents, establishing paternity and

support orders, and enforcing support orders when non-custodial parents reside, derive income, or own property in the state and the child(ren) and custodian are receiving IV-D services in another state.

Services must be provided within federal standards of promptness governing locating, establishment and enforcement activities. In addition, Interstate Central Registry must respond to inquiries from other States within two working days of receipt of the request for a case status review. Each support collection made on behalf of another state IV-D agency must be sent to the initiating state within two (2) business days of initial receipt (by the SDU) and must be identified with the date of the collection.

Initiating State Responsibilities

The IV-D agency as the Initiating State is required within federal regulations to:

1. Use the authority to establish paternity whenever appropriate, if there is a long-arm statute which allows paternity establishment.
2. Within 20 calendar days of determining that the non-custodial parent is in another State, and there is no basis for long-arm action, refer any interstate IV-D case to the Responding State's Interstate Central Registry for action.
3. Provide the IV-D agency in the Responding State sufficient, accurate information to act on the case including any necessary documentation and Federally approved interstate forms. The State is allowed use of computer-generated replicas in the same format and containing the same information in place of the Federal forms.
4. Provide, when requested, the IV-D agency or Interstate Central Registry in the Responding State with any requested additional information or notify the Responding State when the information will be provided within 30 calendar days of receipt of the request.
5. Provide new information to the IV-D agency in the Responding State within 10 working days of receipt of that information.
6. Send a request for review of a child support order, along with current information, to another State within 20 calendar days of determining that a request for review of the order is necessary.

Child Support Enforcement Transmittal

The interstate Child Support Enforcement (CSE) Transmittal #1 (FSA 200-1) is used to make an initial interstate referral (see exhibit Item 300X1). All appropriate documentation is sent with the referral. Transmittal #2 (FSA-200-2) is used to provide any additional information or documents after the initial request to the Responding State has been made (see exhibit Item 300X2).

**Responding State
Responsibilities**

Federal regulations require that the Responding State IV-D agency:

1. Establish and use procedures for managing its interstate IV-D caseload which ensure provision of necessary services and include maintenance of case records.
2. Periodically review program performance on interstate IV-D cases to evaluate effectiveness of the procedures established under this section.
3. Within 75 calendar days of receipt of an Interstate Child Support Enforcement Transmittal from its Interstate Central Registry, the IV-D agency must:
 - Provide location services (if requested or necessary);
 - If additional or corrected information, forms or documents are needed to continue case action notify IV-D agency in the Initiating State;
 - Process the interstate IV-D case to the extent possible pending necessary action by Initiating State.
4. Within 10 working days of locating the non-custodial parent in a different jurisdiction within the State, the IV-D agency must forward the form and documentation to the appropriate jurisdiction and notify the Initiating State and this state's Interstate Central Registry of its action;
5. Within 10 working days of locating the non-custodial parent in a different state :
 - at the direction of the Initiating State, return the form and documentation, including the new location, to the Initiating State; or, forward the form and documentation to the Interstate Central Registry in the State where the non-custodial parent has been located; and
 - notify this state's Interstate Central Registry where the case has been sent.
6. Provide any necessary services as it would in intrastate IV-D cases to:
 - establish paternity;
 - attempt to obtain a judgement for costs;
 - establish a child support obligation;

- process and enforce orders referred by another State, whether pursuant to UIFSA or other legal process;
 - collect and monitor any support payments;
 - forward payment to the correct location;
 - review and adjust the order upon request.
7. Provide timely notice to the IV-D agency in the Initiating State in advance of any formal hearings which may result in establishment or adjustment of an order.
 8. Notify the IV-D agency in the Initiating State within 10 working days of receipt of new information on a case, using updated forms or computer-generated replicas in the same format.
 9. Notify Interstate Central Registry in the Responding State when a case is closed.

**Interstate
Requests for
Information Only**

A request for information/assistance is made with an interstate Transmittal #3 (FSA 200-3, see exhibit Item 300X3). Transmittal #3 is designed for use when the requesting jurisdiction is working its case locally, needs limited assistance, and does not want the other state to open a IV-D case. A release of information is not necessary as long as the information being requested by a IV-D representative is for IV-D support purposes.

IV-D agencies should provide assistance to the extent that is reasonable and to the level that Michigan would expect to be provided assistance by other states.

Cost Recovery

State IV-D agencies may, under the state's Title IV-D plan, charge fees or recover costs for providing IV-D services in non-public assistance IV-D cases. Costs may be recovered in non-public assistance IV-D cases from payers or from IV-D clients except for clients who are eligible for IV-D services based on receipt of Medicaid or Food Stamps. Fees may be collected or costs recovered, under certain conditions, through deductions from support payments.

When a referral is made to a state that charges fees or recovers costs, the non-public assistance IV-D client must be informed of that state's cost recovery policy.

Responding states are required to notify the initiating state of fees/costs deducted from support payments when collections are forwarded. The payer is entitled to credit for the full amount of the child support collection. The payer's arrearage balance or obligation must be adjusted in the amount of the reported deduction.

Note: See exhibit Item 300X7, “Cost Recovery States” for a list of those states which do cost recovery at this time.

Uniform Interstate Family Support Act (UIFSA)

Federal law governs child support enforcement and requires all states to establish and enforce orders when the obligor resides in a state that is different from where the obligee and/or child reside. Michigan adopted the Uniform Interstate Family Support Act (UIFSA) effective January 1, 1997. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) required all states to adopt the official version of UIFSA “as a condition of receiving federal funds”. States had to implement UIFSA no later than January 1, 1998. UIFSA is a state law, not a federal law.

UIFSA is a comprehensive act providing framework for interstate establishment, enforcement and modification of child support obligations. The statute applies to any situation where the child and non-custodial parent reside in different jurisdictions, and there is a:

- support obligation with current charges,
- support obligation that is not being paid, or
- paternity or a child support obligation to be established.

Under UIFSA there is only one Controlling Order.

UIFSA does not confer any authority to decide custody or parenting time issues.

UIFSA provides for the following actions to be initiated on Interstate cases:

- Establishment of an order through UIFSA.
- Registration for modification only under UIFSA.
- Registration for enforcement under UIFSA.
- Registration for enforcement and modification under UIFSA.
- Registration for orders for income withholding.

Full Faith and Credit for Child Support Orders Act (FFCCSOA).

PRWORA also amended the Full Faith and Credit for Child Support Orders Act (FFCCSOA)(28USC 1738B). FFCCSOA requires a state to give full faith and credit to another state’s valid ongoing child support order. Like UIFSA , it contains rules to determine the Controlling Order in cases with two or more support orders. It also contains rules controlling modifications.

FFCCSOA requires appropriate authorities from each state give full faith and credit to any child support order issued:

1. Pursuant to the laws of the issuing state;

2. By another state's court or administrative agency that:
 - had subject matter jurisdiction to take action in the matter;
 - had personal jurisdiction over the contestants; and
 - further provided the contestants were given reasonable notice and opportunity to be heard.

FFCCSOA also contains rules controlling modifications. Another state's order may be modified only if:

1. The responding state's court or agency has jurisdiction to make such an order; and
2. The issuing state's court or agency no longer has CEJ over the order because that state is no longer the child's state or residence of any contestant, or
3. Each contestant has filed written consent to that court or agency making the modification and assuming CEJ.

Direct Income Withholding.

The direct income withholding provision in UIFSA allows for the use of intrastate withholding processes when the source of income is in another state.

Direct income withholding is used when the Michigan order requires support (cannot be used to enforce health coverage). If unsuccessful, the FOC will register the case for enforcement and/or modification in the non-moving party's state of residence.

See related Items on Income Withholding, FOC Manual Chapters 420, 405; IV-D Combined Manual Item 305.

Interstate Redirection of Support

Interstate Redirection of Support (IROS) under Michigan's RURESA is an action that files a non-Michigan support order with the clerk of the court in the Michigan county where the custodial parent resides. The jurisdiction, or direct payor collecting under the order is asked to forward support payments to that county's Friend of the Court for receipting, recording, disbursing and monitoring purposes. The purpose of IROS is to facilitate the assignment of support to the state.

Note: If local procedures allow, a non-public assistance applicant may apply for child support services and request IROS from the FOC without first being referred by the Support Specialist. See Combined IV-D Manual Item 310, "Interstate Redirection of Support" section for more complete instructions on the IROS process.

Interstate Income Withholding Act

Prior to adoption of UIFSA in June, 1997, Michigan had enacted the Interstate Income Withholding (IIW) Act. This Act facilitated the inter-

state enforcement of child support obligations through income withholding. The IIW Act was not repealed upon adoption of UIFSA.

A support order entered under this act does not nullify and is not nullified by a support order entered by a Michigan court pursuant to any other law or a support order entered by a court of any other state. If more than one support order is in effect for the support of the same person by the same obligor, the amounts collected by income withholding and credited against an amount owing for a particular time period under any of the orders shall be credited against amounts owing for the same time period under all such orders.

If an existing IIW order requires enforcement action proceed using UIFSA.

Non-Disclosure

UIFSA allows the tribunal (the Circuit Court in Michigan) to order the party's or child's address and other identifying information not be disclosed in any pleading or document filed under the Act if the tribunal finds disclosure would put the party or child at unreasonable risk. If the client believes that releasing their address for child support purposes would be an unreasonable risk to their "health, safety, or liberty" or that of their child(ren), a Non-Disclosure Order may be obtained.

Examples of cases where a Non-Disclosure Order may be necessary:

1. Parental kidnapping,
2. Violent crimes committed against spouse/child,
3. Spousal/child abuse,
4. Sex offender,
5. Existing personal protection order, ex parte, or restraining order,
6. Past history of problems (i.e., verified police reports, hospital reports, protective service referrals),
7. Reason to fear harassment and /or stalking .

If when interviewing a client it appears that a non-disclosure order may be appropriate, the Friend of the Court (FOC) or Support Specialist (SS) completes the Uniform Non-Disclosure form (FIA-4791, exhibit Item 300X6). The client is requested to supply sufficient evidence of the above conditions before a decision is made to proceed with non-disclosure in an interstate case. A non-disclosure affidavit may be filed even when there is an already existing order.

The FOC or SS forwards the FIA-4791 to the Prosecuting Attorney (PA) for a non-disclosure determination. The PA completes an affidavit for

non-disclosure, and files a plea for non-disclosure. The provided samples of “Motion and Order for Nondisclosure of Information (UIFSA)”, “Affidavit In Support of Nondisclosure of Information Under the Uniform Interstate Family Support Act (UIFSA)”, and “Notice About Data Privacy and Interstate Child Support Cases” may be used or a local office version may be developed. See IV-D Manual exhibit Items 300X8, 300X10, and 300X11.

Once the PA has determined that there is enough evidence that the “health, safety or liberty” of the individual is in danger, do not disclose the address. Then the PA files the initial petition and affidavit for non-disclosure.

Family Violence Indicator

In addition, Title IV-D of Social Security Act 45, establishes a safeguard within the State and Federal Case Registries for families where there is reasonable evidence of domestic violence or child abuse. The “Family Violence Indicator” (FV) in the electronic case file can be set to “Y” (yes). If the FOC or the SS receives a non-disclosure claim, a non-disclosure order, or believes that there is “reasonable evidence of domestic violence or child abuse, and the disclosure of information (i.e., location information) could be harmful to the parent or the child of such parent”, the case can be electronically flagged to stop the release of particular information. (42 USC 653 (b)(2)).

Note: See Combined IV-D Manual Item 305 for more complete information on UIFSA, Interstate policy and procedures.

Related Items: Combined IV-D Manual Item 305, UIFSA ;Interstate Redirection of Support Item 310.

LEGAL BASE

45 CFR 303.7

45 CFR 302.31 - 302.33(d)

45 CFR 302.36

45 CFR 303.100(g)

28 USC 1738B

MCL 552.671-552.685

MCL 552.1101 - 552.1901

R 3.214 MAC